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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,707

10/22/2003

Hideo Tomita

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7590

12/29/2004

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WASHINGTON, DC 20036

EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/689,707

**Applicant(s)**

TOMITA, HIDEO

**Examiner**

Rochelle Blackman

**Art Unit**

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claims 1 and 7 are objected to because of the following informalities: In claim 1, line 9, the comma after "components" should be omitted and on line 19, "for" should be omitted. In claim 7, line 16, a semicolon should be placed after "values", on line 20, "the" before "display" should be - -said- - and "that" should be omitted, and on line 24, "generation step" should be - -generator- -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Struyk (U.S. Patent Application Publication No. 2003/0118183).

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Struyk discloses an image display apparatus (Figs. 1-8), comprising: first image light generation means/ first image light generator (see 5, 7, 9, and *inverse* in Fig. 1 and see  $R_I$ ,  $G_I$ ,  $B_I$  in paragraphs [0060], [0082], [0097], [0013], and [0126]-[0128]) for generating/ that generates image lights individually corresponding to a plurality of color components, which form a single first color component group (see  $R_I$ ,  $G_I$ ,  $B_I$ ); and display image light generation means/ display image light generator (see 3) for synthesizing/ that synthesizes the image lights of the individual color components generated by said first image light generation means/ first image light generator to generate a first display image light (light formed from  $R_I$ ,  $G_I$ ,  $B_I$ ); said first image light generation means/ first light generator setting color component values of the individual color components, of the first color component group (see  $R_I$ ,  $G_I$ ,  $B_I$ ), so that the first display image light may be generated with a chromaticity point and a luminance equal to those of a second display image light (light formed from  $R_F$ ,  $G_F$ ,  $B_F$  – see  $R_F$ ,  $G_F$ ,  $B_F$  in paragraphs [0060], [0082], [0097], [0013], and [0126]-[0128]), wherein the second display image light includes to be generated by synthesizing image lights individually corresponding to color components of a second color component group ( $R_F$ ,  $G_F$ ,  $B_F$ ) whose color components in combination are different from those of the first color component group, said first image light generation means/ first image light generator generating image lights individually corresponding to the color components, which form the first color component group based on the set color component values; second image light generation means/ second image light generator (see 5, 7, 9, and *fundamental* in Fig. 1 and see  $R_F$ ,  $G_F$ ,  $B_F$  in paragraphs [0060], [0082], [0097], [0013],

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and [0126]-[0128]) for generating/ that generators image lights individually corresponding to the color components, which form said second color component group ( $R_F$ ,  $G_F$ ,  $B_F$ ); said display image light generation means/ the display image generator synthesizing the image lights of the individual color components generated by said second image light generation means to generate the single second display image light (see 3); and switching means/ a switch (see 13) for switching/ that switches the image lights to be synthesized by said display image light generation means between the image lights generated by said first image light generation means/ the first image light generator and the image lights generated by said second image light generation means/ the second image light generator based on data provide through a predetermined image pattern (pixels – see paragraph [0019]) input to said switching means/ switch; wherein said switching means performs the switching in appropriate timing so that the predetermined image pattern formed by image lights of said first color component group is embedded in an image formed from image lights of said second color components groups (see *time multiplexing* in paragraph [0019]). Method steps of “an image display method...” are similarly met by the features and functions of the above-mentioned elements.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RB



**JUDY NGUYEN**  
**SUPERVISORY PATENT EXAMINER**